

## BARLOW CHARGES DISMISSED

APPELLATE DIVISION SAYS HE VIOLATED LAW.

Was Also Guilty of Neglect Let Off Because of Error of Judgment and Good Past Career—Suggestion Made That Lawyer Moses Sachs Be Presented.

The Appellate Division of the Supreme Court dismissed yesterday the charges brought against City Magistrate Peter T. Barlow for taking inadequate bail for three alleged burglars, but in its decision said that the Magistrate was negligent in the case in question and exceeded his authority. A warning against doing similar acts was issued to Magistrates.

The opinion of the court said that admitting the facts showing "this isolated instance of the failure of a Magistrate to perform his duty, it is not sufficient basis for a charge against him looking to his removal from office."

District Attorney Whitman filed a petition with the Appellate Division asking the court to investigate the facts in the petition and take such action as might be deemed necessary. The District Attorney acted at the request of Gov. Hughes, with whom charges against Magistrate Barlow had been preferred by the Governor of Massachusetts. Harris Rothstein, Jacob Goldberg and Joseph Goldberg had been arrested here for a burglary in Boston where \$15,000 worth of jewelry had been stolen and complaints against them from Connecticut and Pennsylvania were also in the hands of the police. The total burglaries for which the men were wanted amounting to \$35,000. Jewelry stolen from the three complainants had been found on the prisoners and there was other evidence of identification sufficient to connect them with the three burglaries.

When arraigned before Magistrate Barlow the prisoners were represented by Moses A. Sachs, a lawyer, who asked two adjournments, which was granted. Sachs also asked the Magistrate to reduce the bail from \$15,000 to \$10,000, which was done. The detectives told the Magistrate that they feared the prisoners would jump their bail if they were released on bonds and that no less than \$20,000 should be fixed as the bail. Magistrate Barlow agreed to take \$15,000 for each prisoner if the attorney would produce real estate security.

The night before the men were to be arraigned again Sachs took two men to Magistrate Barlow's house to sign bail bonds for the prisoners and the Magistrate accepted the bondsmen and ordered the release of the prisoners, who promptly fled. It developed afterward that the value of the property offered as security did not cover the amount of bail fixed and the bondsmen attempted to transfer their property so that they could not be held liable.

Presiding Justice Ingraham, who wrote the leading opinion, said that the court previously decided in the *Boite* case that a judicial officer may not be removed for merely making an erroneous decision or ruling, but he may be removed for willfully making a wrong decision or for a reckless exercise of his judicial functions without regard to the rights of litigants or for manifesting favoritism toward one party or the other. The court said that a judicial officer may not be removed for merely making an erroneous decision or ruling, but he may be removed for willfully making a wrong decision or for a reckless exercise of his judicial functions without regard to the rights of litigants or for manifesting favoritism toward one party or the other.

Barlow has been judicial officer for many years and has borne the highest character for integrity and efficiency in the discharge of his duties. The court said that the judicial officer in this case was not guilty of willful misconduct, but that he was negligent in the manner in which he performed his duties. The court said that the Magistrate was negligent in the manner in which he performed his duties. The court said that the Magistrate was negligent in the manner in which he performed his duties.

Presiding Justice Ingraham says he believes the Magistrate was negligent in accepting bail for the prisoners under the statute relating to the arrest of a fugitive from justice from another State and that bail can be taken in such a case only by a Justice of the Supreme Court or a County Judge. The court says Magistrate Barlow also violated the law in failing to notify the District Attorney that bail was being accepted. The court says that the fact that the Magistrate was influenced by the threat of the prisoners' attorney to apply to a Justice of the Supreme Court for the discharge of the prisoners is no excuse for his conduct. The court says that the Magistrate could not presume that a Justice of the Supreme Court would have discharged the prisoners or admitted them to bail in a less amount than he had exacted.

Justice Ingraham says that the proceedings in the acceptance of bail also seem to have been irregular, because the sureties were subjected to no examination as to their sufficiency, but a simple affidavit taken without investigation or notice to the police or the District Attorney, although the Magistrate had been notified that the prisoners were confessed criminals and had been convicted for burglaries before.

The court says it cannot be said that Magistrate Barlow was not negligent or that he did not exercise his discretion upon him by law, but in the absence of a charge or suspicion of a corrupt or improper motive, the evidence falls far short of proof essential to convict the Magistrate of conduct that would justify his removal. The Magistrate relied upon the assurance of the lawyer in relation to bail. That he was deceived by the assurance of the attorney is not a ground for his removal. The court says that the Magistrate was negligent in the manner in which he performed his duties.

The court says it is unfortunate that the prisoners escaped, for otherwise there probably would have been no complaint against the Magistrate.

Justice Laughlin also writes an opinion in which he says it would be better to take further evidence to make some points more clear and remove doubts on every point. The burden is not on the Magistrate, but on the jury. The court says that the Magistrate was negligent in the manner in which he performed his duties.

"I feel keenly the reflection and criticism in the administration of this State, justly merited by the record now before the court and which has resulted in a miscarriage of justice, particularly concerning the rights of three sister States, and generally the entire nation as well," I therefore deem it proper to add a few observations by way of caution and admonition to Magistrates and of warning to the public, and to say that I do not admit to bail in extradition cases, for their jurisdiction is not general but is limited to the authority clearly conveyed by the statutes, and they should not attempt to exercise jurisdiction unless they can point to a legislative enactment conferring it upon them.

We are not infrequently how the Magistrate came to assume jurisdiction to admit to bail in extradition cases, but it appeared that he knowingly acted without jurisdiction. I would not say that his mistakes of fact and errors of law may be overlooked, but it is not easy to excuse the unwarranted assumption of jurisdiction by a Magistrate with limited powers.

Justice Laughlin says that upon the facts in the case, Lawyer Sachs should be presented for disbarment or discipline either by the District Attorney or the Bar Association, because he not only deceived the Magistrate, who had confidence in him, but also misrepresented the facts to the sureties and without any evidence as to the value of their property filled in affidavits stating that it was far in excess of the real value.

If therefore it be customary for Magistrates to assume to exercise authority to admit to bail in extradition cases, they should take warning and refrain from doing so in the future until they are able to point to clear statutory authority therefor," concludes Justice Laughlin.

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facts in the case. Lawyer Sachs should be presented for disbarment or discipline either by the District Attorney or the Bar Association, because he not only deceived the Magistrate, who had confidence in him, but also misrepresented the facts to the sureties and without any evidence as to the value of their property filled in affidavits stating that it was far in excess of the real value.

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## COLLEGE SOCIALISTS.

They Listen to Dr. Albert Suedekum, Member of the German Reichstag.

College students who have been here now for two days attending the convention of the Intercollegiate Socialist Society wound up last night with a dinner at Kadis. In the afternoon all the members got together up at the Rand School of Socialism on Nineteenth street and passed resolutions about various unfortunate social now in jail and heard John Spargo's definition of socialism. In the evening Upton Sinclair presided and told about a book that he is going to have published soon, and introduced Dr. Albert Suedekum, a socialist member of the German Reichstag, who is lecturing here.

Dr. Suedekum predicted a victory for the socialists at the next election in Germany. "The time has come," said he, "when we have behind us the majority of our German people." He said that when they have won the election the German socialists will bring about a redistribution of the constituencies. There has been no distribution since 1872, when Germany's population was 39,000,000. Since that time the great part of the population has gone to the cities and now the population is 65,000,000. "We socialists," he continued, "represent the industrial classes and are at a disadvantage under the old distribution."

Suedekum said that his party will do all in its power to make impossible a European war. He said the main strength of the party in Germany was in the Reichstag, but in the diets and the State and city councils. There are more than 200 Socialist members of the different State Parliaments and more than 7,000 Socialist city councilors, according to the doctor, who denied that there were two distinct socialisms, one in Germany and one in the United States. He said that the attitude of those who suffered under the anti-socialist laws in Germany from 1878 to 1890 that have caused such a bad record for the Socialists. It was difficult to make headway in socialist propaganda among the educated classes in his country was because there are not so many workers in the German colonies as there are in the United States and because of the influence of militarism.

## ARRESTED AS KIDNAPERS.

Child's Father Threatened With Death If He Made Any Move.

Brooklyn detectives yesterday arrested Alfonso Desiderio, 25 years old, of 131 Stone avenue, Felice Esposito, 21 years old, of 2129 Dean street, and Vincenzo Desiderio, 20 years old, of 2335 Atlantic avenue, on the charge that they kidnaped Antonetta Scamato, 13 years old, of 55 Speer avenue, in August last. The prisoners will be arraigned today in the New Jersey avenue court.

The girl was found at a clock on the morning of August 10 by the crew of a Jamaica avenue trolley car in a patch of bushes near Forest Park, Queens. She said that she had been lured by four men in a truck, who took her to a house on Atlantic avenue, where she was kept for several days. She said that the men, who afterward took her to the woods and tied her to a tree. She got loose and made her way to where the trolley men found her. She was in the Bradford street hospital for several weeks.

The child's father, Giuseppe Scamato, received a few days ago a letter from the Italian and signed "The Bloody Hand," which said:

"Take care you let your daughter say nothing or both of you will die surely. This is the last word. Avoid the police. Do nothing against our friends."

The police yesterday found Lena Hayden at a house in Prior street. She told them that she had been taken there by friends of the men who kidnaped the child and that they threatened her with death if she did not keep silent. She is held as a witness.

## \$50,000 WINNIPEG COMPANY.

Big Contracting Concern Organized Northwest Record in Fees.

OTTAWA, Dec. 30. The International Contracting Company, Ltd., was incorporated here today with an authorized capital stock of \$50,000. Its principal office is at Winnipeg. The incorporators are Robert L. Miller, E. W. Peters, S. H. Green, E. R. Chapman and M. T. Hunter, all of Winnipeg.

The letters patent issued grant very of a power relating to almost every kind of business. The fees for the letters patent amount to more than \$10,000, a record fee for this country.

## Miss McCarthy's Will Valid.

The Appellate Division of the Supreme Court in Brooklyn has handed down a decision affirming the validity of the will of Miss Sarah A. McCarthy, who was the sole beneficiary of the \$1,500,000 estate left by her brother, Senator John McCarthy. The will was attacked by relatives of the testatrix mainly on the ground that Joseph McLean and Everett Greene, the executors, were placed in unrestricted control of the entire estate excepting \$50,000.

Two Policemen Reinstated. The Appellate Division of the Supreme Court in Brooklyn has decided in favor of former Policemen James H. Devon and John Kelly, who were dismissed from the force nearly a year ago by Commissioner Baker for the alleged reckless use of their clubs, and has directed their reinstatement. The court holds that in each case the conviction was against the weight of evidence.

## WALDO ON FIRE PREVENTION

WOULD HAVE A SEPARATE BUREAU TO HANDLE IT.

The Commissioner of the Fire Department is a witness before the Committee on Fire Prevention. Here are some of the things he said in response to questions on the subject of fire waste, fire department administration and other topics the committee is delving into:

The question of the Fire Department divides itself into two branches, the extinguishing of a fire and the prevention of a fire. In my opinion the prevention of fire is the subject in which greatest development for the future lies. The extinguishing of fire is now being handled extremely efficiently by the New York Fire Department. It can be made more efficient by the introduction of the high pressure system or the extension of it. This system is now being extended section by section until within the next year it will be as far north on the West Side as Twenty-third street and the East Side as Fourteenth street. There is no question but that the fire extinguishing and the losses by fire can be limited by the extension of this system. The fire prevention is, however, as I said before, a subject which I believe is most susceptible to improvement. Today we have many devices of fire prevention. We have the automatic sprinkler system, we have the standpipes and the introduction of fire extinguishers, and automatic fire alarm telegraphs giving notice of a fire at its start.

I think the Fire Department should have some legislation which would make this bureau of fire prevention a separate one from the bureau of fire extinction, and it should have authority to compel the introduction of these devices in premises where the business carried on is a hazardous character, such as workshops, storerooms and department stores. I think if the Legislature would pass some act which would give the department authority to do that it would greatly limit the loss.

Also another subject which I think you ought to take up is the one preventing the fire insurance companies from overinsuring. A man can today get out an insurance without having his property adequately inventoried and thereby give him an incentive to incendiarism. It would be made a penal offense to insure any property unless a careful inventory has been taken by the insurance company. There is no question but what a large percentage of all fires here is of an incendiary nature and are caused by the laxity of the insurance companies in inventing.

The fire marshal in the city of New York in my opinion should really be in the District Attorney's office. Its function has nothing to do with the administration of the Fire Department. It is the investigation of causes for the purpose of determining if any criminality is attached. Therefore it is a legal function rather than a fire fighting function. I am having the whole bureau of the fire marshal thoroughly overhauled by competent people, and I expect to have better results in the near future. The main thing in a bureau of that character is to concentrate your efforts where you find some probability of criminality being attached or being involved, and not to waste your time in investigating a fire where it is apparent on the face of it that no criminality possibly could have occurred. Also a fire should be investigated as soon after it occurs as possible. All that I am having taken up now with a view of reorganizing the bureau is the fire marshal has not been running to my satisfaction heretofore.

Q. Is it not of equal importance that the fire marshal should ascertain the causes of the fire, and if such causes be prevalent, he should take steps to prevent them? A. That is also one of his functions. But the apparent cause of the fire is very readily obtained.

Q. Now the testimony of the fire marshal and also of the fire chief, Commissioner, was that most fires start in the rubbish through bad housekeeping and rubbish and the like have accumulated, and that is in violation of the city ordinance? A. There is no question of that.

Q. In what way can that ordinance be made effective? A. By giving to the Fire Department the authority to enforce the ordinance or regulation requiring the cleaning of cellars and the maintaining of them in proper condition.

Q. And if the owner refuses after notice from the uniformed force, then what? A. He should be subject to a fine of imprisonment.

Q. And that the uniformed force should have authority to bring the violation to the attention of the Magistrate? A. There is no question but what that would be very desirable.

Q. Now, I believe they have to make a report, or the fire marshal does, to the corporation counsel, and it is only a prosecution for a penalty is not that? A. That is all, and they are very much delayed.

Q. Would it not be much simpler if you had power to go in and clean up the cellar and charge the cost of that as a lien against the property? A. I think if we had the power to bring the recent to justice it would be equally desirable.

There has been a case here, Commissioner, that there are configurations in the lower part of Manhattan Island which under extraordinary conditions would be susceptible of being entirely wiped out by one fire. What is your observation on that?

Q. Now, I believe they have to make a report, or the fire marshal does, to the corporation counsel, and it is only a prosecution for a penalty is not that? A. That is all, and they are very much delayed.

Q. Do you think the introduction of the high pressure main has introduced any such possibilities? A. The introduction of the high pressure mains, as I said before, will materially reduce the fire loss and tend more and more to keep the fire in the building in which it starts.

## EARLY MARRIAGE ANNULED.

Court Holds That He Was Not Rid of First Wife.

The Appellate Division of the Supreme Court reversed yesterday a judgment of the lower court refusing to annul the marriage of Julia Kitter Earle to Ferdinand Pinney Earle, the artist, who married his divorcee before his wife had time to get a divorce from him in France. The case was referred to a referee, who before a referee, who decided that when the affinity married Earle in Italy on March 17, 1908, Earle was still the husband of his first wife, Marie Earle, and that the marriage, which was annulled in France, was not final until two months later.

Supreme Court Justice Fitzgerald refused to accept the referee's report because he took no testimony as to the marriage laws of Italy, where the parties were married, but the Appellate Division says that the marriage was performed at the United States Consulate in Venice and the certificate of marriage issued by the Consul, so that the marriage had the same effect as if performed in the United States.

The Court says that in these circumstances the plaintiff's child shall be deemed the legitimate issue of the mother. The Court grants a decree of annulment to Mrs. Earle.

No Recount for Hines. The Appellate Division of the Supreme Court denied yesterday the application by James J. Hines, who was defeated by James Ahearn for the Tammany nomination of the Nineteenth Assembly district, for a recount of the ballots.

## F. R. HAMILIN'S ESTATE.

Appellate Division Reverses Surrogate and Says It Was Distributed Properly.

The estate of Frederick R. Hamlin, the theatrical manager, was before the Appellate Division of the Supreme Court yesterday on the appeal by Hamlin's widow and sister and the brothers from an order by Surrogate Cohan directing them to account to the estate for money they have received. Hamlin died in 1904, leaving property worth \$210,000. His will put his theatrical enterprises in the hands of Julian Mitchell and William W. Gray as trustees, with directions to pay his widow one-third of the profits and his three brothers and his sister the other two-thirds. The residue of the estate was to be divided in the same manner.

Hamlin's widow, now Mrs. Mary B. Hamlin, and her brother Herbert were executors of the will, and they decided to distribute the estate on the basis of the cash valuation of the share of each heir. Accordingly \$148,467 was distributed, of which the widow took one-third. The property was in securities, and the widow immediately sold her share at a profit of \$13,048. The Surrogate decided that the persons who shared in the distribution were entitled only to the income of the estate, and that their children, who had an interest as remainder men, had no part in the distribution. It was without the sanction of the court.

The Appellate Division decided that the distribution could be made under the provisions of the will, and reversed the order of the Surrogate.

## FIRE AT FUEHRER'S PARK.

Proprietor of Queens Resort Thinks Buildings Were Burned for Revenge.

The hotel and dancing pavilion known as Fuehrer's Park at Jackson and Junction avenues, Elmhurst, Queens, were burned early yesterday morning with a loss estimated at \$30,000. The property was owned by Charles Hendry. It had been rented to Fuehrer for the last twenty years.

William Lent, an employee, discovered the blaze in a corner of the dancing pavilion, which was 500 by 700 feet in dimension. He aroused Fuehrer, his wife, three sons, two daughters and two male employees, who were in the hotel. They had time to save some of their belongings.

The structures were of pine and the flames spread swiftly. In less than forty-five minutes the hotel, dancing pavilion, carrousel and other buildings were burned to the ground. Fire companies came to the place, but when they arrived the park was all ash. Only two small pavilions located in the rear of the grounds were saved.

Fuehrer is of the opinion that the place was set on fire. He says that some time ago he refused to let the pavilion to an association from Manhattan on account of their rowdiness on former occasions and that threats were made to get square with him.

## JOHN HENRY THIRY III.

Young Man of 38 Laid Up at His Home With the Grip.

John Henry Thiry, philanthropist and father of the school savings bank system in America, is ill with the grip at his home, 181 Academy street, Long Island City. His eighty-ninth birthday occurs with the beginning of the new year. For many years it has been his custom to observe this event after the fashion of his native land, Belgium.

Because of his indisposition, which has continued for a week, Mrs. Thiry and yesterday instead of the usual celebration only close relatives of the family were expected to call.

Mr. Thiry's first wife was Miss Ernestine de Samblanc. She died several years ago and Mr. Thiry married Miss Margaret O'Connor, then about 20 years old. Since then there have been regular additions to the Thiry family. The children of the household now are George, an adopted son, 11 years old; Ernestine, a daughter, 7 years old; Ernestine, 3 years old, and the baby, James Henry Thiry, who was born a year ago last September.

He died at his home yesterday, but although Mr. Thiry is confined to his bed his illness is not considered serious.

## DETECTIVE A RETRIEVER.

Gets Back One by One Things Errand Boy Bought With Stolen Gold.

William Cramer, who keeps a drug store at 1022 Lexington avenue, hired a new errand boy, Theodore Vadas, Jr., of 413 East Eighty-third street. The boy was in the store two hours and then disappeared, \$105 in gold did too.

Detective Gallagher learned that the lad had visited the Fedder family at 340 East Eighty-fourth street and had told of an inheritance. The lad had taken the two Fedder girls out shopping, bought one a \$60 violin, and a ding-a-ling hat for each. The detective was unable to catch up with the youth until yesterday morning, when the boy went to the Grand Central Station and bought a ticket for White Plains. He had \$83 in his pockets.

The detective took Nass to the clothing store where he had bought a new suit and made him shed it. Then they visited the Fedder home and the detective demanded the two ding-a-ling hats. The girls surrendered them with sighs. They also yielded the \$60 violin.

The detective informed Magistrate Steiner that Nass had come from the reformatory on Hart's Island only a month ago, and that he had told him that he had to say for himself. "Nothing," he responded. The Magistrate held him in \$1,000 bail for trial.

## BROOKLYN LIQUOR MEN LOSE.

Appellate Court Sustains the Levying of a \$1,200 Excise Tax.

The Brooklyn saloon keepers have failed in their legal fight to have the State excise tax continued at \$75 a year instead of being increased to \$1,200, at which figure it was placed by the excise authorities when the census reports disclosed that the borough had a population of more than 1,500,000.

The Appellate Division of the Supreme Court yesterday handed down a decision reversing that of Justice Crane of the lower court which upheld the contention of the saloon men that the tax should remain at the old rate. The opinion, which the Legislature intended to provide for an automatic increase in all parts of the State, including subdivisions of New York city, and that the census taken is the correct one on which to base the increase affecting Brooklyn.

The case is now to be carried to the Court of Appeals.

## Jackson for House Doorkeeper.

INDIANAPOLIS, Dec. 30. Leading Democrats, including all the State officers, have ordered two special cars for January 16 to take them to Washington to work for State Chairman Jackson for sergeant at arms of the House. They will remain in the city after the Democratic House caucus, January 22.

Seven Horses Burned. ASBURY PARK, Dec. 30.—A fire last night destroyed the warehouse of Steinbach & Co. on the West Grove meadow. Seven horses in the stable adjoining were burned to death. The loss is estimated at \$30,000, partly insured.

## BIG DOINGS OUT IN HAWAII

COL. SAM PARKER TELLS OF THE IRRIGATION PLANS.

Will Add 1,000 Square Miles to the Area of Tillable Soil. No Japanese Share in the Land. Fine Roads and Great Automobiles to Be Had There.

A big man, whose white mustache showed strikingly against his sun browned face, and who wore a wide brimmed black hat, strode into the Holland House yesterday morning and asked to see F. E. Thompson of Honolulu.

"Your name, please?" suggested the clerk.

"Just say a man from Honolulu. He will understand. The name doesn't matter. He is one of the fellows that have the brains. I furnish the money."

The stranger then walked into the bar and demanded some of the finest cigars the hotel had in stock and lamented that he hadn't been able to buy a really good cigar in New York.

Mr. Thompson is the president of two irrigation companies in the Hawaiian Islands and it developed when he came downstairs that his caller was Col. Sam Parker of Honolulu, who also is president of an irrigation company. Col. Parker used to be Minister of Foreign Affairs when Hawaii was a kingdom and Liliuokalani was Queen and before that under King Kalakaua he was a member of the House of Nobles and got his title by being on Kalakaua's personal staff.

Col. Parker said yesterday he didn't want to reminisce. "Ex-Commissioner Blount when he was sent out there by President Cleveland," he said, "got enough to fill a library and what I know has all been told. Yes, it is true that keeping up a diplomatic corps under the monarchy used to be a big expense. But the property of Hawaii dates away back of the changes in government, going back to the reciprocity treaty of 1875 or 1876. Look here, I'm too old to talk about the past. I'm for the present and the future."

"There is a large party of us come on to urge Congress to modify the organic act, so that we can irrigate a lot of land with a surety that our title will not be questioned. As the law stands now any twenty-five homesteaders may petition the Government to withdraw any of its land from lease and then they would be a serious question if we had gone ahead and constructed our works."

"We have just finished on the east side of the island of Hawaii twenty-eight miles of canal, which includes nine miles of tunneling through mountains, the tunnel being five and a half feet wide at the base and six feet high. We intend to have on the south and west sides a canal another tunnel 3,000 feet long through a mountain. At present the land in Hawaii which has enough water for sugar growing is under cultivation. Our irrigation works will add 1,000 square miles to the tillable area on the island of Hawaii and greatly increase the sugar area. Last year's sugar crop was the best we have ever had in Hawaii, and it brought good prices."

"There is no Japanese scare in Hawaii," said the Colonel in answer to a question. "It exists only among people who have never visited the territory. The Japs are too slow to think of Hawaii. There are a few Japanese Americans and a few Chinese Americans and even a few Koreans Americans in the island, but as a rule Asiatics leave Hawaii after they have acquired a competence. You would think the Koreans would feel they had no home to go back to, but back they go."

"We Hawaiians are the greatest travelers in the world," observed Col. Parker. "It would surprise you too to see how many automobiles we have. We have in the city of Honolulu alone we have over 800, and mind you, they are of the finest makes. We have 250 miles of perfect roads, which are kept well oiled, and we have a speed of regulation of fifteen miles an hour in the city and none outside. I have just bought a big car which I am taking back with me, and my plan is to travel in it from here to Washington and New Orleans, and then ship across country to the coast."

Deputy Tax Commissioner Resigns. Clarence J. Ramsey, a Deputy Tax Commissioner of Manhattan, resigned yesterday. He has been in the city's service since 1898 and resigns to join a real estate firm.

## CELESTINS VICHY

Natural Alkaline Water

Used at meals prevents Dyspepsia and relieves Gout and Indigestion.

Ask your Physician

## VICHY CELESTINS

Protect Yourself!

Original and Genuine

HORLICK'S MALTED MILK

"Others are Imitations"

The Food Drink for All Ages

RICH MILK, MALT GRAIN EXTRACT, IN POWDER

Not in any Milk Trust

Insist on "HORLICK'S"

Take a package home

SEE IT OUT

With a Jolly Time at the

LITTLE HOTEL

45th Street

Between Broadway and Sixth Ave.

Restaurant Open All Night

NO TABLES RESERVED!

Special Bill for New Year's Eve

## BEATEN BY STRIKERS.

Congressman Calder Comes to the Rescue of the Net Upon Men.

An attack made yesterday morning on Harry Lewis, 43 years old, a strike breaking grocery wagon driver, while he was delivering goods at the house at 88 Sherman street, Brooklyn.

While George Hayes, Lewis's helper, was in the house delivering the groceries a gang of strikers and their sympathizers surrounded the wagon, dragged Lewis to the sidewalk and beat and kicked him. They then unhitched the horse and turned it loose. When Hayes came out of the house he was beaten.

Congressman William M. Calder, who was in his real estate office close by, and two of his employees were among the first to run to the assistance of the two men. Before the arrival of the police the assailants had run off in various directions and no arrests were made.

An ambulance surgeon who was called from the Sepoy Hospital for aid, and Lewis, with a fracture of the leg in addition to his other injuries and he was taken to the hospital.

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